

April 4, 2018

Mr. Peter J. Stone, RLA  
Pennoni Associates, Inc.  
8818 Centre Park Drive  
Columbia, MD 21045

RE: Ravens Training Facility  
Forest Conservation Variance  
Tracking # 04-18-2687

Dear Mr. Stone:

A request for a variance from the Baltimore County Code, Article 33, Title 6, Forest Conservation has been reviewed by this Department of Environmental Protection and Sustainability (EPS). This request proposes to remove one specimen tree from the site in order to remove a potential hazard at the recently expanded training complex. This tree, a 30-inch DBH tulip poplar, is now isolated from the forested area that was recently cleared for the training complex improvements under an approved forest conservation plan.

The Director of EPS may grant a special variance to the Forest Conservation Law in accordance with criteria outlined in Section 33-6-116(d)(1) of the Code. There are six (6) criteria listed in Subsection 33-6-116(d) and (e) that shall be used to evaluate the variance request. One (1) of the criteria under Subsection 33-6-116(d) must be met, and all three (3) of the criteria under Subsection 33-6-116(e) must be met, in order to approve the variance.

The first criterion (Subsection 33-6-116(d)(1) of the Code) requires the petitioner show the land in question cannot yield a reasonable return if the requirement from which the special variance is requested is imposed and will deprive the petitioner of beneficial use of his property. The applicant is seeking to remove a potentially hazardous specimen tree. However, while full application of the law would preclude this removal, it would not deprive the petitioner of all beneficial use of the property. Therefore, we find that this criterion has not been met.

The second criterion (Subsection 33-6-116 (d)(2) of the Code) requires that the petitioner show that his/her plight is due to unique circumstances and not the general conditions of the neighborhood. The proposed specimen tree removal is due to unique circumstances associated with its close proximity to the building rather than general conditions in the neighborhood. Therefore, we find the second criterion has been met.

The third criterion (Subsection 33-6-116(d)(3) of the Code) requires that the petitioner show that the special variance requested will not alter the essential character of the neighborhood. The removal of this tree will not alter the essential character of the neighborhood. Consequently, we find that this criterion has been met.

The fourth criterion (Subsection 33-6-116(e)(1) of the Code) requires that the granting of the special variance will not adversely affect water quality. We have determined that the specimen tree to be removed is not within any wetland, floodplain or Forest Buffer. Moreover, Forest Buffer Easement was established adjacent to the stream system onsite as part of the aforementioned training complex improvements. Therefore, we find that granting of the special variance will not adversely affect water quality and that this criterion has been met.

The fifth criterion (Subsection 33-6-116(e)(2) of the Code) requires that the special variance request does not arise from a condition or circumstance that is the result of actions taken by the petitioner. The petitioner has not taken any actions necessitating this variance prior to its request. Therefore, this criterion has been met.

The sixth criterion (Subsection 33-6-116(e)(3) of the Code) requires that the Director of EPS find that the special variance, as granted, would be consistent with the spirit and intent of Article 33 of the Baltimore County Code. The specimen tree to be removed is potentially hazardous given it is close to the building and was originally a forest interior tree now subject to wind throw. Additionally, only 0.5 acres of forest was cleared for this expansion with the remaining 216.8 acres of forest protected either in recorded Forest Conservation Easement or in Forest Conservation Areas shown on an EPS-approved Forest Conservation Plan. Therefore, we find that the granting the variance would be consistent with the spirit and intent of the Forest Conservation Law, and this criterion has been met.

Based on our review, this Department finds that all of the required criteria have been met. Therefore, the requested variance is hereby approved, in accordance with Section 33-6-116 of the Baltimore County Code, with the following conditions:

1. A \$795 fee in lieu of mitigation for removal of the specimen tree shall be paid to Baltimore County by April 30, 2018 or prior to issuance of any further permits, whichever comes first.
2. A note must be on all plans stating: "A special variance to the Forest Conservation Law was granted by Baltimore County Dept. of Environmental Protection & Sustainability on April 4, 2018 to allow the removal of one specimen tree. Conditions were placed on this approval including payment of a fee in lieu of mitigation."
3. This variance approval does not exempt future redevelopment of this site from complying with Baltimore County's Forest Conservation Law.

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It is the intent of this Department to approve this variance subject to the above conditions. Any changes to site layout may require submittal of revised plans and a new variance request.

Please have the appropriate Baltimore Ravens representative sign the statement below and return a signed copy of this letter to this Department within 21 calendar days. Failure to return a signed copy may render this approval null and void, or may result in delays in the processing of plans for this project.

If you have any questions regarding this correspondence, please call Mr. Glenn Shaffer at (410) 887-3980.

Sincerely yours,

David V. Lykens  
Deputy Director

DVL/ges

c. Robert Eller, Baltimore Ravens  
Marian Honeczy, Maryland DNR

I/we agree to the above conditions to bring my/our property into compliance with Baltimore County's Forest Conservation Law.

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Responsible Party's Signature

Date

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Responsible Party's Printed Name